

The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

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March 18, 1987

Chief John E. Bell
Williston Police Department
Post Office Box 414
Williston, South Carolina 29853

Re: Your Letter of December 11, 1986
Opinion #2569

Dear Chief Bell:

Attorney General Medlock has referred your letter of December 11, 1986 to me for inquiry and reply.

You presented three questions, most of which will be fairly well covered in the attached opinion sent to the Greenwood City Attorney on July 11, 1986. I would refer you to it for detailed discussion, but would summarize the question you presented as follows in the order you presented them.

First, you described Williston as being located near the Aiken County line. You question whether your officers could pursue a vehicle into Aiken County, staying within the three-mile ratio set forth in Section 17-13-40 of the South Carolina Code of Laws, and still make a legal arrest. I believe that Section 17-13-40 read with the provisions of Section 5-7-110 of the Code of Laws, describing the appointment and jurisdiction of municipal police officers, allows you to make such a pursuit, and a legal arrest, as long as it is within the three-mile limit. The fact that you cross the Aiken County line would not prevent the arrest from being legal. At the same time, you may wish to notify the Sheriff of Aiken County that there may be occasions when you would have to pursue a person across the county line, just for purposes of coordination. Further, if these

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situations become a regular problem, you may consider entering into a joint agreement with the Aiken County authorities, pursuant to Section 6-1-20 of the Code of Laws, which is described on page three of the enclosed opinion.

Second, you stated that there had been occasions when you were called upon by the Barnwell County Sheriff's Department to assist them in incidents located outside your city limits. You inquired as to whether you were covered with regard to liability, should you have to make an arrest or shot someone in the line of duty. As described on page four of the enclosed opinion, an October 10, 1978 Opinion of this Office dealt with that question. It concluded that:

. . .because of the expressed limitations of §17-13-30. . . the jurisdiction of the municipal officer could not be extended simply by virtue of a call from another officer outside the municipality unless some other express authority exists which would allow such a practice. . .the municipal officer would be beyond his authority. As such, the surety of the municipal officer would be liable for any damages resulting from action taken by the officer, even though the officer's assistance was requested by another law enforcement agency. . .

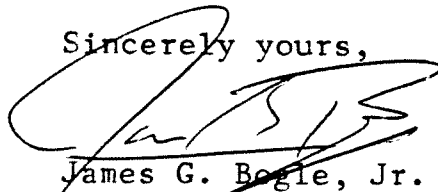
Referencing the above, your officers' assistance outside your city limits would depend on whether or not you were in pursuit, or whether an agreement had been entered into between your office and that of the Barnwell County Sheriff's Department pursuant to the provisions cited above. Unless such an agreement existed, actions outside your jurisdiction would be limited to those of a non-legal nature. Law Enforcement actions could subject your municipality to liability, and, therefore, as stated in the enclosed opinion, should be avoided.

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Your third and final question concerned pursuit of a traffic violator, who failed to acknowledge the blue light and traveled outside the three-mile limit. It is already clear that your officers' jurisdiction is limited to a three-mile radius of your city limits, and that for your officers to generally assist outside your jurisdiction would require some sort of agreement with the Barnwell Sheriff's Department, pursuant to §6-1-20 of the Code of Laws, as mentioned above, and §23-1-210, which is discussed on page two of enclosed opinion. However, the opinion of this office dated October 10, 1978 also dealt with the question of a municipal police officer dispatched to go outside his jurisdiction to answer a call prior to the arrival of other agencies having jurisdiction. The 1978 opinion noted §17-13-40, and concluded that that provision was very specific in its requirement that the municipal officer be in pursuit of a person who has violated a municipal ordinance for his jurisdiction to extend three miles outside the radius of the corporate limits. But the section appears to be very clear in limiting your jurisdiction to the three mile line. Accordingly, absent a working agreement with the Barnwell County Sheriff's Department as described above, I would advise that your officers' jurisdiction, even when in pursuit, ends at the three-mile line. It would thus be necessary for them to notify immediately the law enforcement agency having jurisdiction over the area outside that limit, in this case the Barnwell County Sheriff's Department.

I trust this has been of some assistance to you. Again, enclosed please find the July 11, 1986 opinion to the Greenwood City Attorney which addresses many of your questions. If you have further inquiries, please do not hesitate to contact this office.

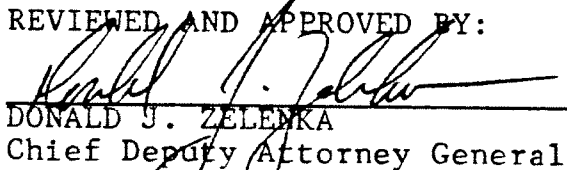
Sincerely yours,

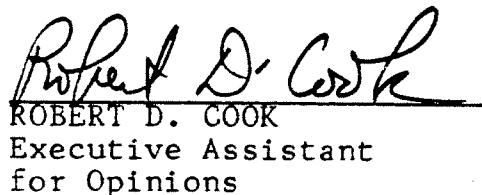


James G. Bogle, Jr.
Assistant Attorney General

JGBjr/agm
Enclosure

REVIEWED AND APPROVED BY:


DONALD J. ZELENKA
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